

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BECKON INTERNATIONAL, INC.,
f/k/a BECKON, INC.,

Plaintiff(s),

vs.

AMCO INSURANCE COMPANY,

Defendant(s).

Case No. 4:07CV2074 JCH

ORDER

This matter is before the Court on Plaintiff's Motion for Attorneys' Fees and Costs, filed January 3, 2012. (ECF No. 255). By way of background, on May 11, 2011, Plaintiff filed a Motion for Sanctions, claiming Defendant willfully failed during the discovery phase to produce a critical section of its underwriting guidelines for the insurance policy at issue. (ECF No. 169). Plaintiff claimed it became aware of the failure only when Defendant provided the omitted section as part of its pretrial filings. The Court granted Plaintiff's motion after a hearing, and reopened discovery in this case as follows:

IT IS HEREBY ORDERED that Defendant Amco Insurance Company shall pay all attorneys' fees and costs for the additional discovery in this matter occasioned by Defendant's failure to produce a portion of its underwriting guidelines for the insurance policy at issue in the normal course of discovery.

IT IS FURTHER ORDERED that Defendant Amco Insurance Company shall pay all attorneys' fees and costs incurred in association with this matter's second referral to alternative dispute resolution.

IT IS FURTHER ORDERED that Plaintiff is granted until **Tuesday, January 3, 2012**, within which to file a single motion detailing all allegedly eligible attorneys' fees and costs.

(ECF No. 202).

In accordance with the Court's Order, Plaintiff filed the instant Motion for Attorneys' Fees and Costs on January 3, 2012. In its motion, Plaintiff requests \$87,620.00 for attorneys' fees, and \$9,508.41 for costs incurred in connection with the reopening of discovery and second referral to alternative dispute resolution in this case. Plaintiff includes detailed listings of both the work performed by Plaintiff's counsel and the costs incurred by Plaintiff. Defendant responded to Plaintiff's motion on January 13, 2012. (ECF Nos. 264, 265). Upon consideration of the parties' submissions, and in light of the Court's sanction order, the Court will grant Plaintiff's request.¹

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Attorneys' Fees and Costs (ECF No. 255) is **GRANTED**, and Plaintiff is awarded \$87,620.00 for attorney's fees and \$9,508.41 for costs.

Dated this 3rd day of May, 2012.

/s/Jean C. Hamilton

UNITED STATES DISTRICT JUDGE

¹ In addition to fulfilling the purpose of the sanction for discovery abuse, the Court finds the lodestar amount, defined as the product of the number of hours reasonably expended on the litigation and a reasonable hourly rate, to be reasonable here. See Copeland v. ABB, Inc., 2006 WL 2356140 at *1 (W.D. Mo. Aug. 15, 2006), citing Hensley v. Eckerhart, 461 U.S. 424, 433 (1983).